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and  
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BY

JOHN DOUGLASS VAN HORNE

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1915

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## P R E F A C E .

Probably a good proportion of those who will receive this paper know more than the writer knows about his subject. Yet the more they know the more hopeful is he that they will approve his aim, even if they do not feel called upon to applaud his performance.

Though a complete review of repudiation in Mississippi would have thrown a clearer light upon certain matters that are here barely indicated, such an undertaking would, on the other hand, have defeated the purpose of brief recital. And perhaps, after all, a full record of the movement is more essential to an analysis of Mr. Davis's opinions or of his presumed motives than to an understanding of the main facts concerning his attitude toward repudiation.

GLYNDON, MARYLAND,  
December, 1915.

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## Jefferson Davis

and

### Repudiation in Mississippi

"Before Jefferson Davis took his place among the arch-traitors in our annals he had already long been known as one of the chief repudiators; it was not unnatural that to dishonesty towards the creditors of the public he should afterwards add treachery towards the public itself." So says Theodore Roosevelt in his work on Thomas Hart Benton. Apparently this mention of Jefferson Davis as a chief repudiator must relate to his alleged concern in the repudiation of certain obligations of the State of Mississippi; for he resided in that State from the time when he quit military life, and politically, if exception is not made of his service in the Cabinet of Franklin Pierce, he was a representative of Mississippi alone until he was chosen as President of the Confederate States.

But so far as repudiation in Mississippi was a legislative act he could not have taken a direct part in it, because he was never a member of the Mississippi Legislature. Nor could he officially have instigated or approved an act of repudiation in Mississippi, because he never held civil office of any kind in the State government.<sup>1</sup> So, if he was a chief repudiator, he must have worked for repudiation through an influence of notable strength which yet was not derived from holding office in the State. How did he acquire this influence?

From 1828 (the year of his graduation from West Point) to 1835 he served in the United States Army. In 1835 he resigned from the army, and his resignation was soon followed by his first marriage. In the same year he became

a cotton planter in Mississippi. After his wife's death in September, 1835, he traveled outside the State until the spring of 1838, when he returned and devoted himself to care of his plantation and to study.<sup>2</sup> From this time until 1843 he lived in a seclusion so close that it has been particularly noted by most of his biographers, some of whom have even likened him in this period to a hermit.<sup>3</sup> He seldom went beyond the immediate neighborhood of his home, and it seems that he indulged in intimacy with no one except his brother Joseph, who lived on an adjoining plantation. His extreme retirement forbids the supposition that he had then the influence of a leader in any popular movement. Probably his opinions were unknown to the public and had only the weight of opinions expressed by an intelligent man in uncommonly restricted private intercourse. It was in 1843, when he was an unsuccessful candidate for the Legislature, that he first tried to enter public life.<sup>4</sup>

Two issues of bonds, known respectively as Union Bank bonds and as Planters' Bank bonds, were repudiated in Mississippi. The movement against the Union Bank bonds took form in 1841, when in a message to the Legislature the Governor of the State recommended their repudiation. The Legislature then sitting refused to take such action, but in February, 1842, its successor "solemnly repudiated" the bonds.<sup>5</sup> This, of course, occurred before Mr. Davis's first venture into the political field, and no reason appears for belief that any act or opinion or wish of his had to do with the Legislature's declaration. About eleven years intervened before the Planters' Bank bonds were repudiated. If there is any evidence that connects Mr. Davis with the second repudiation, the writer has failed to find it. On the other hand, Mr. Davis recognized more than once the validity of the Planters' Bank bonds, and his own words have been

quoted by a biographer to show his opinion that provision should be made for these bonds.<sup>6</sup>

The intent of the remark quoted at the beginning of this paper is to exhibit Mr. Davis as a leader in repudiation and as a chief of swindlers.<sup>7</sup> He seems to be barred from the eminence to which the historian Roosevelt would exalt him, but it may be well to inquire whether he was in sentiment a repudiator—that is, whether he favored direct and final refusal to pay certain obligations of the State; for such was the attitude of the repudiators in Mississippi, though, to be sure, they did not acknowledge that the Union Bank bonds constituted a valid debt of the State.

One biographer, William E. Dodd, says that Mr. Davis, "in common with his Whig neighbors, had opposed his party on the repudiation of the Union Bank bonds, holding that they were State obligations whose value ought to be determined by the courts. As the judiciary was then constituted, this was tantamount to saying that they should be paid."<sup>8</sup> Alluding to Mr. Davis's introduction as a candidate for Congress in 1845, Dr. Dodd says further: "To the surprise of the party leaders he openly announced his opposition to the Democratic attitude on repudiation, the one live local issue."<sup>9</sup> In the collection of lectures called "Southern Statesmen of the Old Régime," William P. Trent also says that in the canvass of 1845 Mr. Davis denounced repudiation, and that the "slandorous charge" that he favored it is a charge "still repeated, but on absolutely no grounds so far as I can see."<sup>10</sup> Another biographer (and a hostile one), Edward A. Pollard, dealing with Mr. Davis's first appearance in Congress, says: "His previous connection with the local politics of Mississippi could only have been of the slightest description. Almost from the commencement of his career he was on the theatre of national politics. This observation is interesting in view of the accusation which has become familiar in the Northern newspapers,

that Mr. Davis was an advocate of that odious measure, the repudiation of part of the State debt of Mississippi, represented by the bonds of one of her banks. The libel is contemptibly ignorant in point of narrative, the main fact being that at the time the bonds referred to were refused payment Mr. Davis was in the retirement we have described, having no connection whatever with politics, and the further fact having lately appeared that at a subsequent period he endeavored to raise voluntary subscriptions to pay these bonds, and thus redeem the honor of Mississippi."<sup>11</sup> Still another biographer, William T. Walthall, says that Mr. Davis's "supposed sympathy with the advocates of the payment of the debt by the State was actually (though ineffectually) employed among the repudiators as an objection to his election to Congress in 1845."<sup>12</sup>

A statement of Mr. Davis himself is quoted by Walthall. On the day of the general election of 1843, in which Mr. Davis was defeated as a candidate of the Democrats for the Legislature, a debate was held between him and the well-known Whig orator, Seargeant S. Prentiss. Before the debate the two met in order to decide upon the questions to be discussed and to eliminate questions respecting which they did not differ. Among the subjects eliminated was repudiation, and it was left out because of agreement on the general principle that the State might create a debt and that the people were bound to pay a debt so created. Concerning the Union Bank bonds, already repudiated, there was a difference, Mr. Prentiss holding these bonds to be a debt of the State, while Mr. Davis, believing the bonds to have been issued unconstitutionally, considered the "question of debt or no debt" a question to be determined by the courts.<sup>13</sup> By constitutional provision, as Mr. Davis knew and took pains to mention, suit might be brought against the State of Mississippi.

This debate was important to him, since in spite of defeat in the immediate election his ability as shown in the discussion was promptly recognized. But for the purpose of this paper the significance of the occasion lies in the public expression of his opinion respecting the Union Bank bonds. Though the general question of repudiation was excluded, the status and the fate of these bonds were too momentous to be ignored in the debate. In 1843 the Whigs vainly hoped to bring about a reversal of the Legislature's action, while in general the Democrats approved what had been done and vigorously opposed the attempt to undo it. It is clear that Mr. Davis's attitude was not the attitude of a repudiator, because, if he insisted that the bonds were illegal, he thought nevertheless that the question or questions involved should be settled by the courts. The actual treatment of the bonds shows how inconsistent this was with the aim of the repudiators. The test contemplated by Mr. Davis was a suit against the State itself. The resolution passed by the Legislature in 1842, while inviting proceedings against the Union Bank and against any person or persons who might be liable through connection with it, denied obligation, legal or moral, on the part of the State. Nullification of the debt as a debt of the State was the essence of the resolution.

The reality of the distinction just drawn is illustrated by one attack that was made upon Mr. Davis. In 1863 Robert J. Walker found that Mr. Davis could not satisfactorily be exhibited as a repudiator if he was sincere in his proposition to abide by a judicial settlement in the case of the Union Bank bonds. Yet to discredit him seemed necessary to Mr. Walker, who as a financial agent in Europe of the United States was interested in preventing a foreign loan to the Confederate States. By reason of intimate connection in the past with politics in Mississippi, Mr. Walker should have been familiar with the movement which culmi-



nated in the Legislature's resolution of 1842, but his letters published in London failed to show any participation by Mr. Davis in that movement.<sup>14</sup> Containing not the slightest evidence of anything done by Mr. Davis at the time of repudiation, these letters dealt with what he said in 1849 when, representing Mississippi in the United States Senate, he felt called upon to speak for the people of the State in answer to foreign censure and to recite certain objections to the Union Bank bonds. Necessarily these objections were to a large extent identical with the objections advanced years before by the repudiators, who, however, as has been shown, were far from inviting the test that seemed logical and proper to Mr. Davis. But Mr. Walker sought to make it appear that the matter of the Union Bank bonds was judicially settled in 1842, and that "Jefferson Davis, notwithstanding his professed desire to submit this question to the final decree of the courts of the State, persisted, as we have seen, in 1849, in repudiating these bonds, at a period more than seven years after this decision of 1842, and still persevered after the second similar adjudication of 1853." The "decision of 1842" was rendered in the case of *Campbell et al. vs. Mississippi Union Bank*, 6 Howard, 625, where (as Mr. Walker neglected to inform the British public) the matter of contention was the bank's right to recover on a promissory note. Challenge of the bank's legal status led the court to examine a constitutional question which would also have arisen (though not as the sole question) in an action against the State to test the validity of the Union Bank bonds; but of course the court did not apply its conclusions to any disputed indebtedness of the State, since no such controversy entered into the case. Indeed, the opinion contains this statement: "I have thus examined the several pleas, and have endeavored to confine my remarks strictly to the questions presented by the record, with a view to avoid even an intimation of an opinion on



any question which is not directly raised." However significant this decision was as showing the court's attitude toward a capital question, it was by no means an adjudication of the State's liability on the bonds, and therefore it was not the "final decree" which Mr. Walker himself represented Mr. Davis as professing to desire. The final decree came much later (in *State of Mississippi vs. Johnson*, 3 *Cushman*, 755), and was in fact the adjudication of 1853 mentioned by Mr. Walker, which with strange perversity Mr. Davis refused to honor some years before it was pronounced and even before the suit disposed of by it was brought; for, notwithstanding an apparent lapse of Mr. Walker's own memory, it should be kept in mind that he dealt with what was said in 1849, offering no proof of anything said or done later by Mr. Davis.

The appearance on the scene of Mr. Davis in 1843—largely accidental as it was and helped by no political antecedents—could not be expected to affect the fortunes of the repudiated bonds. If the prevailing temper could have been brought to favor submission of the dispute to the courts by way of final settlement, payment of the Union Bank bonds would no doubt have been reduced to a question of overcoming financial difficulties—that is, to a question of time, and repudiation in Mississippi might have received a complete check.

In his monumental work on Mississippi J. F. H. Claiborne, whose life and Mr. Davis's were almost coextensive, says that Mr. Davis had never any connection with repudiation.<sup>15</sup> The name of Jefferson Davis is not mentioned in the book "Nine Years of Democratic Rule in Mississippi," a contemporary record in which severe attention is paid to the men prominently identified with the movement.<sup>16</sup> "The idea of attaching any share of responsibility to him for the repudiation of the bonds was of later origin," says Major

Walthall. But for his connection with later and quite distinct events such a charge would probably not have been urged. In the writer's belief the charge, whenever made, cannot with truth be based upon any part taken by Mr. Davis in repudiation.

## NOTES.

<sup>1</sup> William T. Walthall, "Jefferson Davis," a biographical sketch in pamphlet form published by the New Orleans *Times-Democrat*, 1908.

<sup>2</sup> Not all authorities are in exact agreement as to the time of Mrs. Davis's death or of Mr. Davis's return from his travels. But probably the statement in the text is close to the facts.

<sup>3</sup> Walthall, page 9; William E. Dodd, "Jefferson Davis" ("American Crisis Biographies"), page 47; Edward A. Pollard, "Life of Jefferson Davis," etc., pages 18-19-20; William P. Trent, "Southern Statesmen of the Old Régime," page 266; "Autobiography of Jefferson Davis" in *Belford's Magazine*, January, 1890; Varina H. Davis, "Jefferson Davis, a Memoir," vol. I, chap. XVI; *New International Encyclopædia* and (11th edition) *Encyclopædia Britannica*, biographical articles on Jefferson Davis; Lowry and McCardle, "History of Mississippi," page 641.

<sup>4</sup> According to one biographer, who also makes note of Mr. Davis's period of seclusion, he was a delegate to the State convention of the Democrats in the summer of 1843: Frank H. Alfriend, "Life of Jefferson Davis," page 24.

<sup>5</sup> "Mississippi, an Encyclopedic History," edited, etc., by Dunbar Rowland, article "Repudiation Resolution."

<sup>6</sup> Walthall, page 11; "Mississippi, an Encyclopedic History," article "Jefferson Davis."

<sup>7</sup> Theodore Roosevelt, "Thomas Hart Benton" ("American Statesmen Series"), pages 194-195. Here is the language immediately preceding the statement quoted in the text: "It is a painful and shameful page in our history; and every man connected with the repudiation of the States' debts ought, if remembered at all, to be remembered only with scorn and contempt. However, time has gradually shrouded from our sight both the names of the leaders in repudiation and the names of the victims whom they swindled. Two alone, one in each class, will always be kept in mind." Mr. Roosevelt then names, in the first class, Jefferson Davis and, in the second class, the Rev. Sydney Smith, who seems to have suffered as a holder of Pennsylvania bonds. This classification of Mr. Davis has something like a precedent in a bald allusion to "Mississippi bonds, repudiated, mainly, by Mr. Jefferson Davis" which is to be found in the autobiography of Winfield Scott. General Scott's state of mind is indicated by his mention of Mr. Davis as a "deadly enemy": "Memoirs of Lieut.-General Scott, LL. D.," page 148 (note) and page 593.

<sup>8</sup> Dodd, page 64.

<sup>9</sup> Dodd, pages 67-68. As to the Union Bank bonds the issue could have been "live" only in the sense that the Democrats were under fire because of the accomplished fact of repudiation.

<sup>10</sup> Trent, page 275 and note.

<sup>11</sup> Pollard, page 22.

<sup>12</sup> Walthall, page 12.

<sup>13</sup> Walthall, pages 10-11.

<sup>14</sup> Letters of Robert J. Walker on Jefferson Davis, etc., published by William Ridgway, London, 1863.

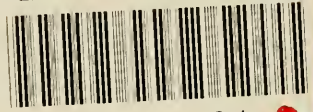
<sup>15</sup> J. F. H. Claiborne, "Mississippi," etc., Power and Barksdale, Jackson, Miss., 1880, page 423.

<sup>16</sup> Published by Thomas Palmer, Jackson, Miss., 1847. The author is said to have been Dudley S. Jennings.





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